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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/318,015	05/25/1999	MARK JEFFREY FOLADARE	113643	9785

7590 07/31/2002

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EXAMINER

TIEU, BENNY QUOC

ART UNIT

PAPER NUMBER

2642

DATE MAILED: 07/31/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/318,015

Applicant(s)

FOLADARE ET AL.

Examiner

Benny Q. Tieu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 May 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 November 1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All   b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Terminal Disclaimer*

1. The terminal disclaimer filed on May 7, 2002 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of US Patent No. 6,049,602 has been reviewed and is accepted. The terminal disclaimer has been recorded.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

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3. Claims 1-11, 14-20, and 22 are rejected under 35 U.S.C. 102(e) as being anticipated by Kikinis et al. (U.S. Patent No. 5,960,073).

Regarding claim 1, Kikinis teaches a method of providing communication control functionality to at least one communication device (Fig. 1, 126) located at a remote location comprising the steps of:

receiving log in information at a server (Fig. 1, 111) via at least one communication network (Fig. 1, 125);

verifying the log in information (column 6, lines 1-5, it should be noticed that log-in procedure is inherently including verification);

obtaining origination address information for the at least one communication device (column 6, lines 47-64); and

establishing a communication link between the at least one communication device 126 and a merchant system (call center), said merchant system providing the communication device 126 with communication control functionality by providing via the at least one communication network 125 said communication control functionality to said at least one communication device 126 to said origination address (column 6, line 65 through column 7, line 9).

Regarding claim 2, Kikinis further teaches the method wherein the communication device 126 is capable of processing voice and data communications (Fig. 1, 131 and 133)

Regarding claims 3-5, see column 6, lines 27-46.

Regarding claims 6-9, see Fig. 1, 126.

Regarding claims 10 and 11, see column 6, lines 11-26.

Regarding claims 14-18, see column 5, lines 17-27.

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Regarding claims 19 and 20, Kikinis teaches a method for processing communications to at least one communication device (Fig. 1, 126) over at least one communication network (Fig. 1, 125), said at least one communication device being logged into a merchant system (call center), said at least one communication device 126 being capable to receive voice and data communications, said communications originating from one or more third party devices (caller), each third party device being identified by origination information, the method comprising:

receiving a communication request to connect to a communication device associated with the merchant system (column 6, line 12);

determining the availability of the at least one communication device (column 6, lines 14-15);

routing the communication to an available communication device (column 6, lines 15-16);

forwarding to the available communication device information relating to the third party associated with the third party device that originated the communication (column 6, lines 20-25);  
and

providing the available communication device with control functionality, said control functionality being able to control the interaction between the communication device and the third party device (column 6, lines 27-35).

Regarding claim 22, see column 6, lines 1-10.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 12, 13, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kikinis et al. (U.S. Patent No. 5,960,073) in view of Bateman et al. (U.S. Patent No. 5,884,032).

Regarding claims 12, 13, and 21, Kikinis fails to teach the method comprising the step of receiving a URL from a party that corresponds to a particular page and forwarding that URL to the communication device. However, Bateman teaches this feature as shown at column 6, lines 31-65. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of URL technique as taught by Bateman into the

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method disclosed by Kikinis in order to provide an agent an opportunity to serve customers better.

***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Duscher et al. (U.S. Patent No. 5,606,493) teaches distributed applications processing network. Onweller (U.S. Patent No. 5,764,756) teaches a communications networking system for controlling and monitoring devices within a telephony central office.

8. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

OR Hand-delivered responses should be brought to:

Crystal Park II, Sixth Floor (Receptionist)  
2121 Crystal Drive  
Arlington, VA 22202.

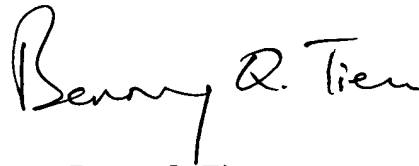
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benny Q. Tieu whose telephone number is (703) 305-2360. The examiner can normally be reached on Monday-Friday: 6:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on (703) 305-4731. The fax phone numbers for the

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organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

A handwritten signature in black ink that reads "Benny Q. Tieu". The signature is fluid and cursive, with the first name "Benny" being more prominent and the last name "Tieu" following it.

Benny Q. Tieu  
Examiner  
Art Unit 2642

BQT  
July 25, 2002